

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20828 of 2026

Arising Out of PS. Case No.-432 Year-2025 Thana- SIRDALA District- Nawada

Lakshaminiya Devi @ Basanti Devi W/o Late Kameshvar Manjhi R/o Village
- Sherpur, Manjhi Tola, P.S - Sirdala, District – Nawada Petitioner/s
Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shabina Talat
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-04-2026 Heard the parties.

2. The petitioner is apprehending arrest in connection with Sirdala P.S. Case No. 432/25 instituted on 29/11/25 for the alleged offence punishable under Sections 30(a), of Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 29/11/25 by the informant, Priyesh Kumar Vidyarthi.

3. As per the prosecution story, the Police on secret information, reached the place, found a lady moving out of the house and on search, there is recovery/seizure of 15 liters of country-made Mahua. This led to the FIR.

4. Learned counsel for the petitioner submits that it is the joint house and the petitioner is house wife having no criminal antecedent, got implicated.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in



2019 (2) PLJR 1089 wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that the recovery is from the hut.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the petitioner is a lady having no criminal antecedent, nothing has been recovered from her conscious possession or from the house, in that background, this Court is inclined to extend her the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of her arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Sirdala P.S. Case No. 432/25 to the satisfaction of learned Exclusive Special Excise Judge-1, Nawada subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) the petitioner shall be appearing before the police station as and when required for cooperating in the investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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